

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA    )  
  )  
vs.                                    ) NO. 04-30055-MAP  
  )  
KACEY JONES                        )

**MOTION TO CONTINUE TRIAL DATE**

Now comes the defendant respectfully requests this Honorable Court order the trial date in this matter be continued so the defense may have sufficient time to further investigate credibility issues regarding a key Government witness (Officer Michael Trombley) the defense incorporates by reference the facts as stated in defendant's **Motion to Reopen Suppression Hearing**.

The defendant further states the issue regarding Officer Trombley is presently under reconsideration by Hampden County Superior Court Judge. At the Motion for Reconsideration it is counsel's belief that Officer Trombley testified. In order to fully pursue the credibility issue with Officer Trombley at trial, or Reopen Suppression Hearing, the defendant would require a transcript of the testimony that he gave at the recent Reconsideration Hearing. Counsel needs time to request and have that transcript produced by the stenographer.

Counsel sees this as an important issue which could significantly impact the credibility of the Government's key witness in this case. It was Officer Trombley who, according to all testimony at the Motion to Suppress Hearing, was the lead in making observations which formed the basis of these Federal indictments. Counsel further states the U.S. Attorney's office has indicated they are interested in fully exploring and understanding these issues that have surfaced regarding Officer Trombley.

Accordingly, allowing time for the Government and the defense to fully explore this issue may allow for discussion regarding resolution of the matter. Presently, based upon the information available up to this point, the Government has made a reduced offer to the defendant for resolution of the case. The defendant is not in a position to make a decision on acceptance of that offer until fully exploring the credibility issue. The defendant's wish to explore the credibility issue has as much usefulness at a trial as it does in negotiating with the Government to have them reduce certain charges so the terms of a disposition may become agreeable to all parties.

Respectfully submitted,

THE DEFENDANT

BY: /s/ Mark G. Mastroianni  
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CERTIFICATE OF SERVICE

I, Mark G. Mastroianni, Esq., do hereby certify that I have served a copy of the foregoing via CM/ECF to AUSA Paul Smyth, 1550 Main Street, Springfield, MA 01103 this 13 day of March 2006.

/s/ Mark G. Mastroianni

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